

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

JOHN C. MILLER, M.D.

CONSENT ORDER

The West Virginia Board of Medicine ("Board") and John C. Miller, M.D. ("Dr. Miller") freely and voluntarily enter into the following Order pursuant to West Virginia Code §30-3-1, et seq.

FINDINGS OF FACT

1. In May, 1999, Dr. Miller applied for reinstatement of license to practice medicine and surgery in the State of West Virginia, which license had been suspended since July 1, 1995, due to his failure to submit to the Board required continuing medical education hours for renewal of his license.

2. On Dr. Miller's application for reinstatement, Dr. Miller also noted that his hospital privileges at Jefferson Hospital, Pittsburgh, Pennsylvania, had been suspended and then revoked in 1998, and Dr. Miller appeared before the Licensure Committee of the Board in July, 1999, for a full discussion.

3. After an investigation and review of the matter and presentation by Dr. Miller of the required continuing medical education, it was the decision of the Board that there was insufficient reason to deny to Dr. Miller licensure under the West Virginia Medical Practice Act.

4. Dr. Miller meets the requirements for licensure under the West Virginia Medical Practice Act.

CONCLUSIONS OF LAW

1. As a matter of public policy, the provisions of the Medical Practice Act have been enacted to protect the public interest. (West Virginia Code §30-3-1)

2. Probable cause exists to deny Dr. Miller's application for a license to practice medicine and surgery in this State due to the provisions of West Virginia Code §30-3-14(c)(17) and 11 CSR 1A 12.1 (i).

3. The Board has determined that it is appropriate to grant Dr. Miller a license to practice medicine and surgery in the State of West Virginia as there is insufficient reason to deny him such licensure, provided certain limitations are placed upon his license to practice medicine and surgery in West Virginia.

CONSENT

John C. Miller, M.D., by affixing his signature hereon, agrees solely and exclusively for purposes of this agreement and the entry of the Order provided for and stated herein, and proceedings conducted in accordance with this Order to the following:

1. Dr. Miller acknowledges that he is fully aware that, without his consent, no permanent legal action may be taken against him except after a hearing held in accordance with West Virginia Code §30-3-14(h) and §29A-5-1, et seq.;

2. Dr. Miller acknowledges that he has the following rights, among others: the right to a formal hearing before the West Virginia Board of Medicine, the right to reasonable notice of said hearing, the right to be represented by counsel at this own expense, and the right to cross-examine witnesses against him;

3. Dr. Miller waives all rights to such a hearing;

4. Dr. Miller consents to the entry of this Order relative to his practice of medicine in the State of West Virginia; and,

5. Dr. Miller understands that this Order is considered public information, and that matters contained herein may be reported, as required by law, to the National Practitioner Data Bank, as matters described in this Consent Order relate to the professional competence of Dr. Miller.

ORDER

WHEREFORE, on the basis of the foregoing Findings of Fact and Conclusions of Law of the Board and the foregoing consent of Dr. Miller, the Board hereby ORDERS as follows:

1. Dr. Miller having met the requirements for reinstatement of licensure in the State of West Virginia is hereby licensed to practice medicine and surgery in the State of West Virginia and is granted again License No. 15001, effective September 27, 1999.

2. Said License No. 15001 shall for a one-year period be in a probationary status and during said one-year period, Dr. Miller's practice of

medicine and surgery in the State of West Virginia shall be under the supervision of a Board approved physician, which physician shall be a cardiovascular surgeon approved by the Board who shall file written reports with the Board every sixty (60) days, beginning November 15, 1999, attesting to the ability of Dr. Miller to practice medicine with reasonable skill and safety for patients.

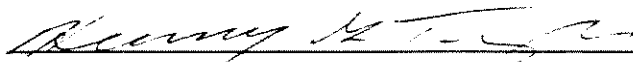
3. During the one year probationary period, Dr. Miller shall present a copy of this Consent Order to any employer or health care or medical facility where he proposes to practice medicine in the State of West Virginia.

The failure of Dr. Miller to comply in a satisfactory manner with the terms of this Consent Order shall constitute grounds for the revocation of his medical license in West Virginia.

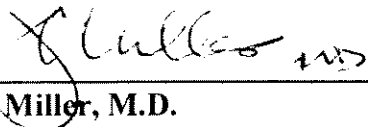
WEST VIRGINIA BOARD OF MEDICINE



Sarjit Singh, M.D.,
President



Henry G. Taylor, M.D., M.P.H.,
Secretary



John C. Miller, M.D.

9.21.99

Date

STATE OF West Virginia

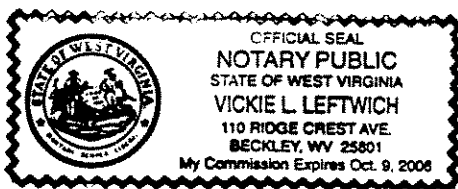
COUNTY OF Raleigh, to-wit,

I, Vickie L. Leftwich, a Notary Public for said county and state, do hereby certify that John C. Miller, M.D., whose name is signed on the previous page has this day acknowledged that same before.

Given under my hand this 21st day of September, 1999.

My Commission expires Oct. 9, 2006.

Vickie L. Leftwich
NOTARY PUBLIC





Curtis Arnold, D.P.M.
South Charleston

Dr. Richard Bowyer
Fairmont

Dr. D. Faheem, M.D.
Beckley

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Huntington

Kenneth Dean Wright, P.A.-C.
Huntington

State of West Virginia

West Virginia Board of Medicine

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September 28, 2000

John Charles Miller, M.D.
208 Phillips Street
Beckley, West Virginia 25801

Dear Dr. Miller:

This is to officially notify you that the probationary status placed on your West Virginia medical license for a period of one (1) year has, as of September 27, 2000, ended.

However, in accordance with the statute, the Consent Order remains a permanent part of your historical record maintained by the Board. A copy of this letter will be attached to the Consent Order and will remain a part of the Consent Order.

Thank you for your cooperation and patience throughout this process and continued best wishes for success.

Sincerely,

A handwritten signature in dark ink, appearing to read "Ronald D. Walton".

Ronald D. Walton

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cc: George G. Guthrie, Esq.

ASIDENT
jit Singh, M.D.
arton

VICE PRESIDENT
Leonard Simmons, D.P.M.
Fairmont

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Henry G. Taylor, M.D., M.P.H.
Charleston

COUNSEL
Deborah Lewis Rodecker
Charleston

EXECUTIVE DIRECTOR
Ronald D. Walton
Charleston